



Atty. Dkt. No. 072121-0274

AF/IRV
A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ERWIN et al.
Title: ANTIBACTERIAL AGENTS
Appl. No.: 10/754,928
Filing Date: 1/8/2004
Examiner: Brian J. Davis
Art Unit: 1621
Confirmation Number: 8364

<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p>Joseph P. Meara (Printed Name)</p> <p><i>Joseph P. Meara</i> (Signature)</p> <p>June 21, 2006 (Date of Deposit)</p>

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present			Rate	Additional Claims Fee	
Total Claims:	62	-	126	=	0	x	\$50.00	=	\$0.00	
Independent Claims:	7	-	3	=	4	x	\$200.00	=	\$800.00	
First presentation of any Multiple Dependent Claims:							+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									=	\$800.00

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$800.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$800.00

A credit card payment form in the amount of \$800.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date June 21, 2006

By Joseph P. Meara

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4303
Facsimile: (608) 258-4258

Joseph P. Meara
Attorney for Applicant
Registration No. 44,932



Atty. Dkt. No. 072121-0274

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ERWIN et al.
Title: ANTIBACTERIAL AGENTS
Appl. No.: 10/754,928
Filing Date: 1/8/2004
Examiner: Brian J. Davis
Art Unit: 1621
Confirmation Number: 8364

<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p>Joseph P. Meara (Printed Name)</p> <p><i>Joseph P. Meara</i> (Signature)</p> <p>June 21, 2006 (Date of Deposit)</p>
--

AMENDMENT AND REPLY UNDER 37 CFR 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Davis:

This communication is responsive to the Final Office Action dated April 21, 2006, concerning the above-referenced patent application. The three-month, shortened statutory period for reply is set to expire on July 21, 2006 and thus Applicants believe this response to be timely filed. Applicants note that this response is being filed within two months of the mailing of the office action and is therefore filed prior to the end of the advisory period.

Applicants believe no fees are due with this response, however the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely

06/26/2006 MBELETE1 00000020 10754928

01 FC:1201

800.00 OP

MADI_663447.1

missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this document.

Remarks/Arguments begin on page 16 of this document.